IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1921 of 2005

Between:

1. Smt. Allaboyina Pydithallamma, W/o. Sri A. Raja Rao,
   R/o. Chinnamushidivada Village, Pendurthi Mandal, Visakhapatnam District.
2. Sri Allaboyina Sathyanarayana, S/o. Sri A. Raja Rao,
   R/o. Chinnhamushidivada Village, Pendurthi Mandal, Visakhapatnam District.
3. Sri Allaboyina Srinivasa Rao, S/o.Sri A. Raja Rao,
   R/o. Chinnamushidivada Village, Pendurthi Mandal, Vishakhapatnam District.

... PETITIONERS

AND

1 The State of A.P., rep. by the Principle Secretary Revenue, Govt of Andhra Pradesh, Hyderabad.
2 The District Collector, Visakhapatnam District.
3 The Mandal Revenue Officer, Pendurthi Mandal, Visakhapatnam District.
4 The Secretary, Chinnamushidivada Gram Panchayat, Chinnamushidivada Vill, Pendurthi Mandal,
Visakhapatnam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue of Mandamus declaring the actions of the 3rd respondent in trying to interfere with the possession of the lands of the Petitioners without any cause or justification as arbitrary, illegal and unconstitutional and consequently direct the respondents not to interfere with the peaceful possession of the residential land belonging to the Petitioners in Pl. No. 14, Survey No.116/1 of chinnamushidivada Village, Pendurthi Mandal, Visakhapatnam District without following due process of law and principles of natural justice and pass such other order or orders that this Honourable Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.SIVARAJU SRINIVAS

Counsel for the Respondents 1 to 3: GP FOR REVENUE & ASSIGNMENTS

The Court at the stage of admission made the following:

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ORDER:

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Heard the learned counsel for the petitioners and the learned Government Pleader for Assignments appearing for the respondents.

This writ petition is filed seeking a declaration that the alleged action of the third respondent in attempting to interfere with the possession of the lands of the petitioners without there being any justifiable reason is arbitrary and illegal.

The petitioners state that they are the owners and possessors of the land to an extent of 298 square meters of land in plot No.14, situated in Sy.No.116/1 in Chinnamushidivada Village, Pendurthi Mandal, Visakhapatnam District, in respect of which pattas were granted in their favour long back. It is stated that they have constructed thatched houses and have been living therein. While so, they applied to the respondent Grampanchayat, seeking permission for constructing a permanent structure, on 15-12-2004. Since the permission was neither granted nor rejected, by virtue of the deeming clause under the provisions of the A.P. Panchayat Raj Act, they have commenced the construction. While so, on
25-01-2005 the third respondent-Mandal Revenue officer, visited the house site of the petitioners and directed them not to proceed with the construction and it is also alleged that the staff of the third respondent has been interfering with the possession of the petitioners in respect of the properties in question. Hence this writ petition.

This Court, initially by order dated 08-02-2005, while granting time to the learned Government Pleader appearing for the respondents to get instructions, directed the respondents not to interfere with the possession of the petitioners in respect of the property in question. The petitioners were also directed not to proceed with further construction.

Today when the matter is taken up for consideration, the learned Government Pleader, under instructions, states that the land in question situated in Sy.No.116/1, is classified as Tank Poramboke “Raju Cheruvu” in the revenue records and that the third respondent is not interfering with the said lands of the petitioners in any manner.

In view of what has been stated by the learned Government Pleader, no further adjudication is necessary on merits. Accordingly recording the statement of the learned Government Pleader that the respondents are not interfering with the possession of the petitioners in respect of the property in question, the writ petition is disposed of making it clear that the respondents shall not interfere with the possession of the petitioners without following due process of law.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 21-02-2005

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To

1 The Principle Secretary Revenue, Govt of Andhra Pradesh, Hyderabad.
2 The District Collector, Visakhapatnam District.
3 The Mandal Revenue Officer, Pendurthi Mandal, Visakhapatnam District.
4 The Secretary, Chinnamushidivada Gram Panchayat, Chinnamushidivada Vill, Pendurthi Mandal, Visakhapatnam District.

5 Two C.Cs. to the Government Pleader for Revenue & Assignments, High Court Buildings, Hyderabad, (O.U.T.)

6 Two C.D. copies.